

Barristers & Solicitors  
Patent & Trade-mark Agents

McCarthy Tétrault

McCarthy Tétrault LLP  
Box 48, Suite 4700  
Toronto Dominion Bank Tower  
Toronto ON M5K 1E6  
Canada

RECEIVED  
CENTRAL FAX CENTER

MAR 24 2004  
OFFICIAL

**Facsimile**

March 24, 2004  
CM# 123081-339675  
TKID: 8913

**22** Total number of pages including cover sheet.

If you have any problems receiving this  
transmission, please telephone:  
Central Fax Services at 416 601-7503

Original placed on file

Name:	Firm:	Telephone:	Fax:
To: U. S. Patent Office	U.S. Patent Office	703-305-4826	703-872-9306
From: Robert H. Nakano		416-601-7852	416-868-0673

United States Patent and Trademark Office  
2011 South Clark Place  
P.O. Box 1450  
Arlington, Virginia 22313-1450

In re Application of: **DAVIS, Douglas Allan**  
Serial No.: **09/676,402**  
Filed: **September 29, 2000**  
Title: **WIRELESS TRANSMISSION EVALUATION SYSTEM & METHOD**  
Examiner: **EWART, James D.**  
Art Unit: **2683**  
Confirmation Number: **1935**  
Atty's Docket No.: **T01215-0060 US (123081-339675)**

Please see the attached communication

**Certificate of Transmission:**

Pursuant to 37 C.F.R. 1.8, I certify that the following correspondence is being transmitted via facsimile transmission to the United States Patent and Trademark Office at telephone number (703) 872-9306 on March 24, 2004.

Signature:   
Name: **Robert H. Nakano (Reg. No. 46,498)**

Date: **March 24, 2004**

McCarthy Tétrault LLP TDO-RED #8224491 v. 1

This facsimile may be confidential and contain privileged information. If the reader of this facsimile is not the intended recipient or an agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this facsimile in error, and that any review, dissemination, distribution or copying of it is strictly prohibited. If you are not the intended recipient, please notify us by telephone (call us collect) and return this facsimile to us by mail. Thank you for your cooperation.  
If you experience problems in receiving, please call 416 601-7503.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Approved for use through 04/30/2003. OMB 0051-0031  
Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

PTO/SB/21 (05-03)

# TRANSMITTAL FORM


(to be used for all correspondence after initial filing)

Application Number	09/676,402
Filing Date	September 29, 2000
First Named Inventor	DAVIS, Douglas Allan
Group Art Unit	2683
Examiner Name	EWART, James D.
Attorney Docket Number	701215-0060 US (123081-339675)

Total Number of Pages in This Submission 21

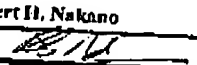
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<b>ENCLOSURES (check all that apply)</b> <input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below)  <input type="checkbox"/> Remarks
--	---

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	Robert H. Nakano, (Reg. No. 46,498) McCarthy Tétrault, LLP
Signature	
Date	March 24, 2004

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the

Typed or printed name	Robert H. Nakano
Signature	
Date	March 24, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Approved for use through 07/31/2008. OMB 0851-0032  
Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE**FEE TRANSMITTAL  
for FY 2004**

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) \$162.00

**Complete if Known**

Application Number	09/676,402
Filing Date	September 29, 2000
First Named Inventor	DAVIS, Douglas Allan
Examiner Name	EWART, James D.
Art Unit	2683
Attorney Docket No.	T01215-0060-US (123081-339675)

**METHOD OF PAYMENT (check all that apply)**
☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None
☒ Deposit Account:Deposit  
Account  
Number

15-0633

Deposit  
Account  
Name

McCarthy Tétrault LLP

The Director is authorized to:

(check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 180	2005 80	Provisional filing fee	
SUBTOTAL (1)			(\$)

**2. EXTRA CLAIM FEES FOR UTILITY AND**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1202 18	2202 9	Claims in excess of 20	
1201 86	2201 43	Independent claims in excess of 3	
1203 290	2203 145	Multiple dependent claim, if not paid	
1204 86	2204 43	** Reissue independent claims over original patent	
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)			(\$)

\*\*or number previously paid, if greater. For Reissues, see above

**FEE CALCULATION (continued)**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non - English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 660	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR § 1.17(a)	
1806 180	1806 180	Submission of Information Disclosure Statement	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR § 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

**SUBMITTED BY**

Name (Print/Type)	Robert H. Nakano	Registration No. (Attorney/Agent)	46,498	Complete (if applicable)	Telephone	416-601-7852
Signature		Date	March 24, 2004			

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)**Applicant(s): **DAVIS, Douglas Allan**

Docket No.

**T01215-0060 US**

Serial No.

**09/676,402**

Filing Date

**September 29, 2000**

Examiner.

**EWART, James D.**

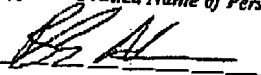
Group Art Unit

**2683**Invention: **WIRELESS TRANSMISSION EVALUATION SYSTEM & METHOD**

I hereby certify that this Response to Office Action dated December 24, 2003  
(Identify type of correspondence)  
is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. 703-872-9306)  
on March 24, 2004  
(Date)

Robert H. Nakano, Reg. No. 46,498

(Typed or Printed Name of Person Signing Certificate)



(Signature)

Note: Each paper must have its own certificate of mailing.

P18REV01